

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Jetti Sirisha D/o Jetti Shadrac, R/o Rajahmundary, East Godavari District, against the Proceedings Ref. C5 (M) 401/2010, dt. 28.02.2011 of the Collector, East Godavari District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 18

Dated: 04.05.2012.
Read the following.

1. Proceedings of the District Collector, E.G., Ref. C5 (M) 401/2010, dated 28.02.2011.
2. Appeal Petition filed by Smt. Jetti Sirisha D/o Jetti Shadrac, Rajahmundary, East Godavari District, dated 21.04.2011.
3. Govt. Memo No. 5782/CV.2/2011, SW(CV.2), dated 03.05.2011.
4. Orders of HC of AP in WPNo. 14280 of 2011, dated 18.05.2011, filed by Smt. Jetti Sirisha D/o Sri Jetti Shadrac, East Godavari District.
5. Govt. Memo No. 5782/CV.2/2011, SW(CV.2), dated 13-06-2011.
6. From the District Collector, East Godavari (Kakinada), Lr. Ref. C5(M)401/2010 dated - .05.2011
7. Govt. Memo No. 5782/CV.2/2011, SW(CV.2), dated 19.11.2011.
8. Govt. Memo No. 5782/CV.2/2011, SW(CV.2), dated 31.03.2012

ORDER:

In the reference 1st read above the District Collector, East Godavari has issued orders for canceling Scheduled Tribe Certificate obtained from the then Tahsildar, Addateegala by Smt. Jetti Sirisha D/o Jetti Shadrac, R/o Rajahmundary, East Godavari District.

2. In the reference 2nd read above, Smt. Jetti Sirisha has filed appeal petition before the Government against the orders of the District Collector, East Godavari. After examining the said Appeal Petition Government have admitted the appeal petition and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 3rd read above.

3. In the reference 4th read above, the Hon'ble High Court of AP., in Writ Petition No. 14280 of 2011, dated 18.05.2011, filed by Smt. Jetti Sirisha D/o Sri Jetti Shadrac, R/o Rajahmundary, East Godavari District has directed the 1st Respondent (Prl. Secretary to Govt. TW) to consider and dispose of the appeal petition filed by the petitioner within a period of 4 weeks from the date of receipt of a copy of court order.

4. In the reference 6th read above, the District Collector, East Godavari has furnished the parawise remarks and connected records of Smt. Jetti Sirisha.

5. In the reference 7th read above, based on the contents produced by the Appellant before the Government, the orders of the District Collector, East Godavari Proceedings issued in the reference 1st read above has been stayed by the Government until further orders issued in the Appeal Petition.

6. The said Appeal Petition has been posted for hearing on 10.04.2012, the same has been informed to the appellant and requested to attend the above hearing with all documentary evidences/ certificates in favour of her community claim, in the reference 8th read above. The appellant was present for the said hearing and explained her community status before the appellate authority.

P.t.o.

7. Government has examined the records and Proceedings of the District Collector, East Godavari dated. 28.02.2011, grounds and written arguments submitted by the Appellant and having considered the arguments of either side and documentary evidences and written arguments of the appellant on perusal of the record, it is observed that the appellant is the daughter of Smt.Kambham Mercy Grace and Sri Jetti Shadrac. The father of the Appellant belongs to S.C. Community and her mother belongs to 'Valmiki' Caste i.e., S.T. Community and her native place is Gondolu Village of Addateegala Mandal, East Godavari District. The Appellant has studied in Gondolu Village upto 5th Class and all her Education Certificates right from the beginning shows that her Caste as Valmiki (ST). Her contention is that the Collector, East Godavari District without taking into consideration of the Certificates issued by the Valmiki Association and also the Sarpanch of the Gondolu Village, cancelled her Caste Status Certificate. Further as seen from the records of the appellant, the maternal grand father of the Appellant is Kambham Swamy Das who hails from Gondolu Village of Addateegala Mandal, having two brothers viz., Kambham Veeranna and Kambham Appanna. The ancestors of the Appellant are all the residents of Gondolu Village and Settlement Patta was granted in favour of Kambham Pedda Veeranna, F/o Swamy Das, during Survey & Settlement of 1932-35 and he died leaving his three sons ie., Kambham Veeranna, Kambham Appanna and Kambham Swamy Das. These Tribal Pattas are given to either Adi Andhra Mala or Adi Andhra Christian in the Agency Areas, though, the Adi Andhra Christian is having Tribal status upto 1950. After 1950, all the Tribes residing in Agency tract are declared as SCs. At a later stage, Kambham Swamy Das has sold away his share of land to a non-tribe, however, the same was restored in his favour, treating him as Tribe and as per her written arguments, it is noticed that one Sri Kambham John Bhaskara Rao, in whose case, the District Collector, East Godavari has issued a Notification vide R.Dis.C5 (M) 345/97 dated 17-5-2004, declaring him as ST Community. The said individual is none other than the paternal uncle of the mother of the Appellant.

8. Basing on the evidences produced before Government and after hearing the arguments made by both the parties, it is observed that the Appellant's maternal forefathers are native of Scheduled area and their origin in Pullangi, Maredumilli and migrated to Gondolu Village and settled there. As seen from the Land records, Birth Records and Educational Records, the Appellant's social status is devolved as Valmiki. In addition to the above, the traditions, customs and deities, rituals are also giving more reliance to the claim of the petitioner as ST. As per G.O.Ms.No.371 Employment & SW Department dated 13-4-1976, where either of the parents belongs to SC, ST or B.Cs and if the child can be declared as belongs to be Caste of either parent, they will be eligible for the concessions allowed to the persons of that caste. In the instant case, as per the Guidelines issued in Circular Memo.No.419/09 Dt:6-1-2010 of the Collector, East Godavari District, the Appellant Case fulfills the conditions, mentioned therein.

9. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Jetti Sirisha D/o Jetti Shadrac, R/o Rajahmundry, East Godavari District and the Proceedings of the District Collector, East Godavari issued in the Ref. No. C5 (M) 401/2010, dated 28.02.2011 is hereby set aside, by upholding the ST Valmiki community certificate issued by the Tahsildar, Addateegala in favour of Smt. Jetti Sirisha D/o Jetti Shadrac, R/o Rajahmundry, East Godavari District.

10. The District Collector, East Godavari shall take necessary action in the matter.

P.t.o.

11. The records (containing Ref. C5/M/401/2010, pages 01 to 475) received from District Collector, East Godavari District, through 6th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To

The District Collector, East Godavari (By RPAD) (with original records).

Smt. Jetti Sirisha D/o Sri Jetti Shadrac,
R/o H.No. 48-15-20, Gandhipuram -1, Emmanuel Residency,
Besides Women's College, Rajahmundry, East Godavari District

Sri M. Sudheer Kumar, Advocate,
Flat No. 201, Saraswathi Niwas, H. No. 8-3-214/13,
Srinivasanagar Colony(West), Hyderabad-500038.

Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.